

# STATE OF NEW YORK

8734--A

## IN SENATE

March 5, 2024

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to requiring rear occupant alert systems in certain vehicles; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 375 of the vehicle and traffic law is amended by  
2 adding a new subdivision 58 to read as follows:

3 58. Rear occupant alert systems. It shall be unlawful for any person,  
4 firm, association or corporation to sell or offer for sale in this state  
5 a new passenger motor vehicle weighing less than ten thousand pounds  
6 gross vehicle weight which is to be registered in this state and which  
7 was manufactured or assembled one year or more after the date upon which  
8 the national highway traffic safety administration promulgates final  
9 regulations establishing standards for rear occupant alert systems, and  
10 designated as a vehicle for such model year or as a newer model year  
11 vehicle, unless such vehicle is equipped with a rear occupant alert  
12 system. For the purposes of this subdivision, "rear occupant alert  
13 system" shall mean a system to alert the operator to check rear-designated  
14 seating positions after the vehicle engine or motor is deactivated  
15 by the operator, and the term "passenger motor vehicle" shall include  
16 only those motor vehicles capable of being registered pursuant to subdivi-  
17 vision six of section four hundred one of this chapter which have rear  
18 seats.

19 § 2. Severability. If any clause, sentence, subdivision, paragraph,  
20 section or part of this act be adjudged by any court of competent juris-  
21 diction to be invalid, or if any federal agency determines in writing  
22 that this act would render New York state ineligible for the receipt of  
23 federal funds, such judgment or written determination shall not affect,  
24 impair or invalidate the remainder thereof, but shall be confined in its  
25 operation to the clause, sentence, subdivision, paragraph, section or

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 part thereof directly involved in the controversy in which such judgment  
2 or written determination shall have been rendered.

3 § 3. This act shall take effect immediately; provided, however, that  
4 this act shall be deemed repealed if any federal agency determines in  
5 writing that this act would render New York state ineligible for the  
6 receipt of federal funds or any court of competent jurisdiction finally  
7 determines that this act would render New York state out of compliance  
8 with federal law or regulation; provided that the commissioner of motor  
9 vehicles or the commissioner of transportation shall notify the legisla-  
10 tive bill drafting commission upon the occurrence of any federal agency  
11 determining in writing that this act would render New York state ineli-  
12 gible for the receipt of federal funds or any court of competent juris-  
13 diction finally determines that this act would render New York state out  
14 of compliance with federal law or regulation in order that the commis-  
15 sion may maintain an accurate and timely effective data base of the  
16 official text of the laws of the state of New York in furtherance of  
17 effectuating the provisions of section 44 of the legislative law and  
18 section 70-b of the public officers law. Effective immediately, the  
19 addition, amendment and/or repeal of any rule or regulation necessary  
20 for the implementation of this act on its effective date are authorized  
21 to be made and completed on or before such effective date.